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Attorneys for Ramada Franchise Systems, Inc. and
Days Inns Worldwide, Inc., formerly known as Days
Inns of America, Inc.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re

LEEWARD HOTELS, L.P.,
Debtor,

Case No. 99-09162-ECF-GBN

Chapter 11

DAYS INNS OF AMERICA, INC., a
Delaware corporation, and RAMADA
FRANCHISE SYSTEMS, INC., a
Delaware corporation,

Adversary No. 99-00886-GBN

REQUEST FOR STATUS HEARING

Plaintiffs,

v.

LEEWARD HOTELS, L.P., an Arizona
limited partnership, and KILBURG
HOTELS, L.L.C., an Arizona limited
liability company,

Defendants.

Pursuant to this Court's Order of October 6, 2000, Days Inns of America, Inc., now
known as Days Inns Worldwide, Inc. ("DIA"), and Ramada Franchise Systems, Inc.
("RFS"), the Plaintiffs in this adversary proceeding (collectively, "Plaintiffs") request the

1 Court to set a status hearing and allow this adversary proceeding to remain pending.

2 On December 21, 1999, Plaintiffs commenced this adversary proceeding against
3 the Debtor and Kilburg Hotels. The adversary complaint alleged, among other things,
4 that the transfers of certain hotels (the “Hotels”) by Plaintiffs’ licensees to the Debtor
5 were in violation of the terms and conditions of the License Agreements and were
6 ineffective to invest the Debtor and/or Kilburg Hotels with any authority to use the
7 Plaintiffs’ trade names, service marks or trademarks in connection with operating the
8 Hotels. The adversary complaint further alleged violations of the Lanham Act, and
9 sought, among other things, preliminary and permanent injunctive relief restraining the
10 Debtor and Kilburg Hotels from using Plaintiffs’ registered trade names, service marks or
11 trademarks in operating the Hotels. Plaintiffs also sought a determination that neither the
12 Debtor nor its estate has any interest in the License Agreements at issue. By agreement
13 among the parties, the Debtor and Kilburg Hotels have not filed a responsive pleading to
14 the adversary complaint, and Plaintiffs have extended said defendants’ time to do so.

15 On May 16, 2000, the Debtor filed a Motion to Approve Settlement Agreement
16 with Days Inns Worldwide and Ramada Franchise Systems, Inc. (“Motion to Approve
17 Settlement Agreement”). An objection to the Motion to Approve Settlement Agreement
18 was filed by LaSalle National Bank (“LaSalle”). The Court considered the Motion to
19 Approve Settlement Agreement on June 26, 2000. The Court elected to defer ruling on
20 the Motion to Approve Settlement Agreement and no decision has been issued at the
21 present time.

22 The relief sought in this adversary proceeding by Plaintiffs is essential to protect
23 their interest and to prevent significant and, potentially, irreparable harm. Plaintiffs
24 incorporate by reference their adversary complaint filed herein and other pleadings filed
25 in this case in support of the need for the relief requested. Accordingly, in the event the
26 Motion to Approve Settlement Agreement is not approved, Plaintiffs’ right to proceed in
27 this adversary proceeding must be preserved. The parties have acted diligently and filed
28 their Motion to Approve Settlement Agreement several months ago. Due to factors

1 beyond the control of Plaintiffs, however, the Court has not yet deemed the circumstances
2 in this case appropriate to enter a ruling on the same. Moreover, no useful purpose would
3 be served by requiring the parties to expend significant time and resources in this matter,
4 when such efforts may prove to be unnecessary in the event the Motion to Approve
5 Settlement Agreement is granted.

6 WHEREFORE, Plaintiffs request the Court to:

7 1. Set a status hearing on this matter in accordance with its Order dated October 6,
8 2000;

9 2. Allow this adversary proceeding to remain pending with no further action
10 required on the part of Plaintiffs until the earlier of (i) a reasonable time after a ruling is made
11 on the pending settlement agreement or (ii) Plaintiffs deem further action in this adversary
12 proceeding necessary; and

13 3. Award other and further relief as the Court deems just and proper.

14 DATED: October 26, 2000.

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23 By (B.A.A. Ariz. Bar No. 09594) _____
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Attorneys for Plaintiffs

1 Copy of the foregoing mailed or
2 served via (fax*/ electronic notification**
3 or hand-delivery if marked ***)
4 this 26th day of October, 2000 to:

5 Carolyn J. Johnson, Esq.
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7 1440 E. Missouri Ave., #125
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9 Attorneys for Debtor
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B.A.A. Ariz. Bar No. (09594)